In the Supreme Court of the United States

OCTOBER TERM, 1963

No. 649

DOMINICK CASTIGLIA, PETITIONER

v.

HON. DUDLEY B. BONSAL, UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

MEMORANDUM SUGGESTING THAT THE CAUSE IS MOOT

In the United States Court of Appeals for the Second Circuit, petitioner sought a writ of prohibition against respondent, a United States District Judge for the Southern District of New York (R. 1–13), seeking to bar petitioner's trial. Petitioner alleged that he was not a person named or described in the indictment,[1] and that therefore respondent had no power to subject him to the burden and expense of trial (R. 1–13). On October 14, 1963, the court

[1] The indictment, which charged twenty persons with conspiracy to commit narcotics offenses, referred to petitioner in the following terms:

"JOHN DOE a/k/a MICKEY BLAIR, meaning thereby to describe a white male, approximately 51 years of age, 5'9", with graying black hair and dark complexion" (R. 4).

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of appeals denied the application for the writ of prohibition without opinion (R. 23). A petition for a writ of certiorari was filed on November 8, 1963, but was not served on the Solicitor General until December 6, 1963.

The United States Attorney informs us that the trial which petitioner sought to prohibit has already taken place, and that petitioner was convicted by a jury of the crime charged in the indictment on December 12, 1963. The instant petition is therefore moot.

Respectfully submitted.

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DECEMBER 1963.

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